
DIGEST

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Mills

HB No. 1370

Abstract: Provides that the secretary of the Dept. of Health and Hospitals (DHH) may deny, refuse, or revoke an existing license for an outpatient abortion facility if an investigation or survey determines that an applicant or licensee is in violation of the law. Provides for a system of notification and appeal for a denial, refusal, or revocation of a license. Provides that DHH may also suspend a license if an investigation determines that there has been a violation of the law that is an immediate threat to the health and safety of a patient or client. Provides for a system of notification and appeal for a suspension of a license. Provides that if a license is revoked or not renewed for reasons other than cessation of business or non-operational status, the owner of the facility as well as other interested parties may be prohibited from operating another outpatient abortion clinic in La.

Present law provides that the procedure for denying, suspending, or revoking the license of an outpatient abortion facility shall be the same as that for the licensing of hospitals as provided for by law.

Present law on licensing of hospitals states that the secretary of DHH may deny, suspend, or revoke a license in any case in which he finds that there has been a substantial failure of the applicant or licensee to comply with the requirements of the law pertaining to hospital licensing.

Proposed law changes present law by stating that the secretary of DHH may deny, refuse, or revoke an existing license if an investigation or survey determines that the applicant or licensee is in violation of any provision of the law, any rule, or state or federal regulation pertaining to the licensing of outpatient abortion facilities.

Proposed law adds a process for notification to the applicant or licensee and a process to appeal a denial, nonrenewal, or revocation of a license.

Proposed law provides that the secretary of DHH may issue an immediate suspension of a license if an investigation or survey determines that the applicant or licensee is in violation of any provision of the law, any rule, or state or federal regulation pertaining to the licensing of outpatient abortion facilities, and the secretary determines that the violation poses an immediate threat to the health, welfare, or safety of a client or patient.

Proposed law provides for notification of the suspension of the license and a process for the licensee to appeal. Proposed law further provides a right and a process for the licensee to file for

injunctive relief from the immediate suspension of the license.

Proposed law provides that if a license is revoked or the renewal is denied other than for cessation of business or nonoperational status, or if a license is surrendered in lieu of an adverse action, any owner, officer, member, manager, director, or administrator of the licensee may be prohibited from owning, managing, directing, or operating another outpatient abortion clinic in La.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2175.6(G); Adds R.S. 40:2175.6(H) and (I))